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FISCAL IMPACT STATEMENT

LS 6101

BILL NUMBER: SB 96

NOTE PREPARED: Nov 18, 2008

BILL AMENDED:

SUBJECT: Licenses for Addiction Counselors and Therapists.

FIRST AUTHOR: Sen. Lawson C

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Board Name Change-* The bill provides for a license for addiction counselors. The bill changes the name of the "Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board" to the "Behavioral Health Board".

Addiction Counselor & Therapist Licensing- The bill requires addiction counselors and addiction therapists to be licensed. The bill establishes requirements and procedures for an individual to be licensed as an addiction counselor or addiction therapist. The bill makes conforming changes.

(The introduced version of this bill was prepared by the Commission on Mental Health.)

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Board Name Change-* The Professional Licensing Agency (PLA) would have to change the letterhead on stationary and other informational materials. The Department of Administration would change application forms. Expenditures for these changes would likely be minimal.

Addiction Counselor & Therapist Licensing- Two members would be added to the renamed Behavioral Health Board (BHB). Currently, each board member who is not a state employee is entitled to the minimum salary per diem allowed under law. Each board member is also entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties. The increase to state expenditures is unknown, but is likely to be minimal.

In addition, the BHB may require the development of examinations for both counselors and therapists, unless

other existing examinations are available for use.

If the PLA were to need an additional COMOT staff member to process license applications, the additional cost would be approximately \$37,400 per year. This cost would include salary, fringes, and other indirect costs.

The bill does not provide an appropriation. Assuming no additional appropriations, the PLA would have to carry out the provisions of the bill within their existing level of resources. The PLA reverted \$514,160 to the state General Fund at the end of FY 2008.

Explanation of State Revenues: *Addiction Counselor & Therapist Licensing-* The annual amount of revenue that would be raised from licensing fees is indeterminable. The bill would grandfather addiction counselors already affiliated with the National Association of Alcohol and Drug Abuse Counselors (NAADAC) or the International Certification and Reciprocity Consortium (ICRC or state affiliates) and who file for licensure prior to January 1, 2010. A counselor that meets all grandfather requirements would not pay an initial fee.

Likewise, addiction therapists who are already affiliated with the American Society of Addiction Medicine (ASAM), the National Board for Certified Counselors (NBCC), NAADAC, or ICRC and also meets all other requirements would also be exempt from licensure.

Applicants not meeting grandfathering requirements would pay a fee to be determined by the proposed BHB. Other license types served by the existing board have a \$50 application and renewal fee, and a temporary permit is \$25. The NAADAC has 31 and the NBCC has 28 addiction counselors or therapists listed with an Indiana address. If all 59 certified persons were exempt from the initial licensing fee, the waived revenue would equal \$2,950.

There are also approximately 990 substance abuse/behavioral disorder counselors currently practicing in Indiana. It is unknown how many of the 990 are members of any of the above listed organizations that could be exempt from paying the initial license fees. If 59 persons did not have to pay fees, then the PLA could have about 930 persons (990-60) to license. If a \$50 fee were assessed, then the PLA could raise an estimated \$46,500 initially from counselors.

The potential number of therapists is currently unknown.

Penalty Provision- A person violating certain provisions of the bill would commit a Class A misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: *Penalty Provision-* A Class A misdemeanor is punishable by up to one

year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Penalty Provision-* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: Professional Licensing Agency; Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; Department of Administration.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: *Indiana Handbook of Taxes, Revenues, and Appropriations*; U.S. Bureau of Labor Statistics; NAADAC; NBCC; Professional Licensing Agency; Indiana State Budget Agency: *General and Rainy Day Fund Summaries, June 30, 2008*.

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